

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELVIN MILLER,

Plaintiff,

vs.

MARTINA, ET AL.,

Defendants.¹

2:23-CV-10705-TGB-CI

HON. TERRENCE G. BERG

HON. CURTIS IVY, JR.

**ORDER ADOPTING REPORT
AND RECOMMENDATION
(ECF NO. 27)**

This matter is before the Court on Magistrate Judge Curtis Ivy, Jr.’s December 13, 2023 Report and Recommendation (ECF No. 27) recommending that Plaintiff’s complaint be dismissed with prejudice under Federal Rule of Civil Procedure 41(b), and terminating the Defendants’ Motion for Summary Judgment (ECF No. 17) as moot.

The Court has reviewed Judge Ivy’s Report and Recommendation and finds that it is well-reasoned and supported by the applicable law. The law provides that either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a “de

¹ Plaintiff’s complaint lists, in order, “Unknown Martina,” “Unknown Hernandez,” and three Jane Does as Defendants. ECF No. 1, PageID.1-2. It appears from Defendants’ filings that, among other labeling issues, the first name of the first Defendant is known, and their last name misspelled: This Defendant should properly be identified as “Juliana Martino.” ECF No. 17, PageID.26. For consistency, however, the Defendant’s misspelled mononym will remain.

novo determination of those portions of the report ... to which objection is made.” *Id.*

Where, as here, neither party has lodged objections to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will, therefore, accept Judge Ivy’s Report and Recommendation of December 13, 2023 as this Court’s findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Judge Ivy’s Report and Recommendation of December 13, 2023 (ECF No. 27) is **ACCEPTED** and **ADOPTED**.

It is **FURTHER ORDERED**:

1. Defendants’ Motion for Summary Judgment (ECF No. 17) is **DENIED AS MOOT**.
2. This case is **DISMISSED WITH PREJUDICE**.

This is a final order that closes this case.

SO ORDERED this 5th day of January, 2024.

Dated: January 5, 2024

/s/Terrence G. Berg

HON. TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically filed, and the parties and/or counsel of record were served via electronic and/or ordinary mail.

Dated: January 5, 2024

By: /s/M. Lang
Case Manager

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge